



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,062	02/13/2002	James Lewis	1316C-073CPA	8100

27572 7590 11/20/2003

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

RODRIGUEZ, PAMELA

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,062

Applicant(s)

LEWIS ET AL.

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,11,12,17-23,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-4,7-10,13-16,24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. In light of the new grounds of rejection presented below, a second NON-final office action has been issued in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13, 15, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami et al. (*U.S. Patent No. 4,883,287, previously cited*) *PJR 11/18/03*

Regarding Claim 13, Murakami et al disclose a stabilizer bar assembly (see Figure 4) having all the features of the instant invention including: a stabilizer bar 70, a first bushing assembly 80A attached to the stabilizer bar 70, wherein the first bushing assembly comprises a first elastomeric bushing 80A engaging the stabilizer bar 70 (see Figure 4), a first outer metal member (see Figure 4 and the metal member located just above element 80A) engaging the first elastomeric bushing 80A, wherein inherently the first elastomeric bushing 80A is compressed by the first outer metal member to a first prespecified percent of compression, wherein the first prespecified percent of compression fixes an inner surface of the first elastomeric bushing 80A to the stabilizer bar 70 and fixes an outer surface of the first elastomeric bushing 80A to the first outer

metal member during all rotation of the stabilizer bar 70 with respect to the outer metal member (see Figure 4).

Regarding Claim 15, see second bushing assembly 80B attached to the stabilizer bar 70 having a second elastomeric bushing 80B disposed around the stabilizer bar 70 and a second outer metal member (see Figure 4 and the lower metal member located just below element 80B) disposed around the second elastomeric bushing 80B, wherein inherently the second elastomeric bushing 80B is compressed by the second outer metal member to a second prespecified percent of compression, wherein the second prespecified percent of compression fixes an inner surface of the second elastomeric bushing 80B to the stabilizer bar 70 and fixes an outer surface of the second elastomeric bushing 80B to the second outer metal member during all rotation of the stabilizer bar 70 with respect to the second outer metal member (see Figure 4).

Regarding Claim 24, Murakami et al disclose a method of assembling a stabilizer bar 70 (see Figure 4) having all the features of the instant invention including: providing a stabilizer bar 70, providing an interference fit directly between the stabilizer bar 70 and an annular bushing 80A, positioning the annular bushing 80A on the stabilizer bar 70 (see Figure 4), wherein the interference fit maintains the position of the annular bushing 80A on the stabilizer bar 70 (see Figure 4), and assembling an outer annular metal member over the annular bushing 80A and the stabilizer bar 70 (i.e., over at least portion 70a of the stabilizer bar) by compressing the annular bushing 80A directly between the stabilizer bar 70 and the outer annular metal member (see Figure 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al in view of Roth et al.

Regarding Claims 1, and 7, Murakami et al disclose a stabilizer bar assembly (see Figure 4) having most all the features of the instant invention including: a stabilizer bar 70, a first bushing assembly 80A attached to the stabilizer bar (see Figure 4), wherein the first bushing assembly 80A comprises a first elastomeric bushing 80A engaging a first annular outer metal member (see Figure 4 and the metal member located just above bushing 80A) and the stabilizer bar 70, wherein the first outer metal member defines a first annular gap between the stabilizer bar 70 and the inner surface

Art Unit: 3683

of the first outer metal member (see Figure 4), wherein the bushing 80A is disposed within the first annular gap, an outer surface of the first elastomeric bushing 80A is fixed to the inner surface of the first outer metal member and an inner surface of the first elastomeric bushing 80A is fixed to the stabilizer bar 70, and wherein inherently the first elastomeric bushing 80A has a prespecified percent compression such that all rotation between the stabilizer bar 70 and the first outer metal member causes only deflection of the first elastomeric bushing 80A (see column 8 lines 11-22).

However, Murakami et al does not disclose that the first outer metal member is disposed around the stabilizer bar.

Roth et al is relied upon merely for his teachings of a bushing assembly for use in a suspension assembly for a vehicle (see column 1 lines 6-7) having a first annular outer metal member 12 disposed around a tubular bar 28 and a first elastomeric bushing 16 engages the first outer metal member 12 and the bar 28 (see Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the bushing assembly of Murakami et al with the annular outer metal member of Roth et al disposed around the stabilizer bar in order to prolong the overall life of the bushing assemblies and increase their wear characteristics. By including the annular outer metal member of Roth et al to the stabilizer bar of Murakami et al, an outer metal jacket is provided for the stabilizer bar to increase the level of compression of the inner elastomeric bushing members to

decrease the overall spring rate of the bushing to better isolate higher frequency vibrations.

Regarding Claims 2 and 8, Murakami et al disclose that the first bushing assembly 80A includes a mounting means 76 secured to the first outer metal member. However, Murakami et al do not disclose that the mounting means is a strap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the mounting means of Murakami et al., as modified, to comprise a strap as an alternate means of securing the stabilizer bar to the vehicle. Whether a bolt and nut connection or strap means is used is arbitrary, as long as the stabilizer bar and its corresponding bushing assembly are firmly attached to the vehicle.

Regarding Claims 3 and 9, Murakami et al further disclose a second bushing assembly 80B attached to the stabilizer bar 70 (see Figure 4) having a second outer metal member (see Figure 4 and the lower metal member attached to element 80B), a second bushing assembly 80B engaging the second outer metal member and the stabilizer bar 70 (see Figure 4), wherein inherently the second elastomeric bushing 80B has a prespecified percent compression such that all rotation between the stabilizer bar and the second outer metal member causes only deflection of the second elastomeric bushing 80B (see column 8 lines 11-22 of Murakami et al).

However, again, Murakami et al does not disclose that the second outer metal member is disposed around the stabilizer bar.

Roth et al is relied upon merely for his teachings of a bushing assembly for use in a suspension assembly for a vehicle (see column 1 lines 6-7) having a second annular outer metal member 12 disposed around a tubular bar 28 and a second elastomeric bushing 16 engages the second outer metal member 12 and the bar 28 (see Figures 1 and 2).

Therefore, again, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the bushing assembly of Murakami et al with the annular outer metal member of Roth et al disposed around the stabilizer bar in order to prolong the overall life of the bushing assemblies and increase their wear characteristics. By including the annular outer metal member of Roth et al to the stabilizer bar of Murakami et al, an outer metal jacket is provided for the stabilizer bar to increase the level of compression of the inner elastomeric bushing members to decrease the overall spring rate of the bushing to better isolate higher frequency vibrations.

Regarding Claims 4 and 10, Murakami et al disclose that the first bushing assembly 80A and the second bushing assembly 80B both include mounting means 76 secured to the first and second outer metal members. However, Murakami et al do not disclose that the mounting means comprises first and second mounting straps, each strap secured to each outer metal member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the mounting means of Murakami et al., as modified, to comprise first and second straps, one for each outer metal member, as an

alternate means of securing the stabilizer bar to the vehicle. Whether a bolt and nut connection or strap means is used is arbitrary, as long as the stabilizer bar and its corresponding bushing assembly are firmly attached to the vehicle.

6. Claims 14, 16, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al.

Regarding Claims 14 and 27, Murakami et al disclose that the first bushing assembly 80A includes a mounting means 76 secured to the first outer metal member. However, Murakami et al do not disclose that the mounting means is a strap.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the mounting means of Murakami et al to comprise a strap as an alternate means of securing the stabilizer bar to the vehicle. Whether a bolt and nut connection or strap means is used is arbitrary, as long as the stabilizer bar and its corresponding bushing assembly are firmly attached to the vehicle.

Regarding Claim 16, Murakami et al disclose that the first bushing assembly 80A and the second bushing assembly 80B both include mounting means 76 secured to the first and second outer metal members. However, Murakami et al do not disclose that the mounting means comprises first and second mounting straps, each strap secured to each outer metal member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the mounting means of Murakami et al. to comprise first and second straps, one for each outer metal member, as an alternate means of securing the stabilizer bar to the vehicle. Whether a bolt and nut connection

Art Unit: 3683

or strap means is used is arbitrary, as long as the stabilizer bar and its corresponding bushing assembly are firmly attached to the vehicle.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 7-10, 13-16, 24, and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Pam Rodriguez
Primary Examiner
Art Unit 3683

11/18/03

PR
11/18/03